

Application No. 09/526,628
Amendment "D" dated March 9, 2005
Reply to Office Action mailed January 25, 2005

REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies extended during the recent interview held on March 16, 2005. The claim amendments made by this paper are consistent with the proposals discussed during the interview.

The latest Office Action, mailed January 25, 2005, considered and rejected claims 23-28, 40-45, 51 and 53-83. Claims 23-26, 40-43, 53-65, 68, 70-75 and 78-83 were rejected under 35 U.S.C. § 102(e) as being anticipated by newly cited Wugofski (U.S. Patent No. 6,003,041). Claims 27-28, 44-45, 66-67, 69 and 76-77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeFreese (U.S. Patent No. 6,493,876). Claim 51 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wugofski¹.

By this paper, claims 23, 40, 59 and 71 have been amended² and claims 75-83 have been cancelled, such that claims 23-26, 40-43, 53-65, 68 and 70-74 remain pending, of which claims 23, 40, 59 and 71 are the only independent claims at issue.

The first two independent claims 23 and 40 disclose a method and corresponding computer program product for efficiently tuning to different channels, including digital channels. As recited, these claims include storing tuning information (*e.g.*, channel identifiers) in service records. The recited embodiments also include extracting additional tuning information from one or more digital data streams that is necessary for subsequent tuning to the one or more corresponding digital channels. This additional tuning information is also stored and used to subsequently tune to the digital channels and in such a way that it does not have to be re-extracted. This provides a significant advantage over the prior art, such as Wugofski, which merely maps channels based on channel identifiers and fails to disclose or suggest any use of such additional tuning information that is extracted from a digital data streams, as clearly established during the interview. This is particularly true when considering the additional tuning information can include information obtained from the program association table portion of the

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the claim amendments is found throughout the specification, including, but not limited to pages 6-8, 22, and Figs. 4-5.

Application No. 09/526,628
Amendment "D" dated March 9, 2005
Reply to Office Action mailed January 25, 2005

one or more digital data streams and can also include a program number, program identifier, and a bit stream type, as recited in the dependent claims (51, 57), for example.

Claims 59 and 71 are directed to corresponding embodiments relating to the user experience for navigating to and selecting a channel to be tuned to. As recited, these claims include storing a plurality of service records that each contain tuning information for tuning to various channels. The service records are also categorized into service spaces that are displayed to a user. When one of the service spaces is selected, the corresponding service record information is displayed. Then when one of these corresponding service records is selected, the channel corresponding to the selected service record is tuned using the tuning information provided in the service record.

This embodiment was also clearly distinguished from the cited art of record. Accordingly, for at least these reasons, Applicants respectfully submit that the pending claims should now be found in condition for prompt allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 22 day of March, 2005.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant

Customer No. 47973

RDN:JCJ:cm
W:\14531\55.1\CM0000006080V001.DOC